

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

ROGER D. RICH,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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Civil Action No. 1:09-2033-PMD-SVH

ORDER

The Defendant, Michael J. Astrue, Commissioner of Social Security, by his attorneys, William N. Nettles, United States Attorney for the District of South Carolina, and Marshall Prince, Assistant United States Attorney, has moved this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings.

On order of the Court, this case will be remanded to the Appeals Council. The Appeals Council will direct the ALJ to consider Plaintiff's Veteran's Administration (VA) disability rating, reevaluate Plaintiff's past work to determine if it qualifies and past relevant work, further evaluate Plaintiff's residual functional capacity based on his combination of impairments with particular attention to his alleged need for a cane, and obtain supplemental vocational expert testimony to determine whether Plaintiff is capable of performing his past relevant work, and if not, whether there are jobs existing in significant numbers in the national economy that he can perform.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this Court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings as set out above.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

May 12, 2010
Charleston, South Carolina

¹The clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.